

REMARKS

In the present amendment, the claims of the present application have been amended in order to overcome the informalities noted by the examiner and to clarify the invention claimed. The examiner's attention to the technical corrections necessary in the claims is appreciated. The corrections suggested by the examiner have been made, as suggested, with the exception of the correction to claim 2, line 2. Since claim 1 refers to an open "end" in the collector body, the word "side" was changed to "end" in claim 2 in order to maintain the consistency of the terminology. It is hoped that this correction is satisfactory.

With regard to the merits, the claims have been rejected over Mahlke, Leedy, and Shore. These rejections are respectfully traversed. None of these references discloses a metal shaving collector for collecting shavings produced by a drill in a ferrous metal panel. Mahlke discloses a magnetic lid holder for containers and has nothing to do with the present invention. Leedy discloses a dispensing container for magnetizable articles such as paperclips and the like. Shore discloses a similar desk appliance for collecting paper clips at the rim of a container.

While all of these patents are distinguishable for the additional reason that they probably would not work as a metal shaving collector, the claims of the present application have been amended so that they are recited in a means-plus-function form, such that the use of the invention as a metal shaving collector is a feature of the claimed invention. Since no such use is disclosed or suggested in any of the cited references, it is believed that the claims are all in condition for allowance.

Aside from the fact that the cited references do not show or teach the present

invention, it is not clear that the structure of the cited references would function as a metal shaving collector and would necessarily have sufficient magnetism in relation to the size and shape of the container that the container would remain in place on the rear side of a metal panel while a drilling operation was completed. Thus, there is no suggestion in any of these references that the structure disclosed would work in the present invention.

Considering the claim rejections in more detail, the rejection of claims 1, 2, 5, and 6 over Mahlke is respectfully traversed. Mahlke discloses a magnet 26 mounted on a C-shaped collar that can be mounted to the top of a container for holding a thin metallic lid 18 on the top of the container. Claim 1, as amended, covers shaving collector means for collecting ferrous metal shavings produced by the operation of a drill bit in drilling a hole from a front side to a rear side of a ferrous metal panel. Nothing in Mahlke suggests that the lid magnet 26 is capable of magnetically attaching a cup to a work piece while that work piece is drilled. Nor is there any suggestion of any such use.

The rejection based on Mahlke appears to be based on the argument that magnet 26 would inherently be capable of magnetically attaching the container to the ferrous metal work piece while metal shavings are collected from drilling, even though the only disclosure in Mahlke is that magnet 26 is capable of holding a thin metallic lid 18 on the top of a container. There is no indication or suggestion in Mahlke that magnet 26 is strong enough that it could support the collector means of the present invention, and there is no teaching of any such use of capabilities.

With respect to claim 6, Mahlke does not disclose the claimed method of collecting metal shavings produced by "drilling a hole downwardly or horizontally

through a ferrous metal cabinet wall or panel...comprising affixing a magnetized metal cup over a position where the hole is being drilled on the opposite side of the wall or panel from the drill, such that the magnetized cup clings to the wall or panel and collects and holds ferrous metal shavings produced by the drill..." For this reason, among others, it is urged that claim 6, as well as the other claims, is allowable over Mahlke.

The rejection of claims 1, 2, 4, 5 and 6 over Leedy, U.S. patent No. 3,269,528 is respectfully traversed for the same reason. The invention is non-analogous and would not appear to work in the present invention. Leedy discloses a paper clip container wherein magnets 7 are recessed within (and spaced away from) the end of a closed cylindrical container formed of heavy cardboard, plastic, wood or other suitable material. There is no suggestion in the patent that the magnets would even contact the surface of a panel, let alone be strong enough to support the container as claimed in the present application. There is certainly no teaching in Leedy that pertains to a metal shaving collector. Leedy is merely capable of magnetically attaching small metal objects such as paper clips within its interior. The magnet orientation and recessed location within the invention of Leedy does not disclose either the use or the capability of "affixing a magnetized metal cup over the position where the hole is being drilled on the opposite side of the wall or panel from the drill, such that the magnetized cup clings to the wall or Panel", as claimed in claim 6.

The rejection of claims 1 through 6 over Shore, U.S. Patent No. 3,731,415 is respectfully traversed for the same reason. The paper clip holder of Shore indicates that this magnet is only capable of holding "[a] few paperclips at a time", and Shore nowhere indicates that it is capable of attaching the entire container securely to the sides of a

ferrous metal panel which is acted on by a drill. Because the ability to perform this process is not inherent or taught in the disclosure of Shore, all of claims 1 through 6 as amended are patentable over Shore.

The Kinney, Sr., patent, which was cited but not discussed in the prior office action, also warrants some comment. The collector of Kinney, Sr. appears to be manually held in place on the front or top of the work piece but includes an electromagnet that draws the shavings into an open interior of the device and retains them therein until the electric current is turned off. It does not appear that the device itself is magnetically attached to the work piece, since the core is formed of "brass or other non-magnetic material" (col. 2, ln. 1). In contrast, the present collector is magnetically suspended but does not magnetically attract metal shavings.

In addition to the references cited by the examiner, several additional references are identified in the Information Disclosure Statement submitted herewith. These references include a number of devices for collecting metal shavings, but all of these devices are substantially different from the claimed invention. The collection devices of these patents are positioned to collect shavings at the front or top of a panel (the same side as the drill) and are not magnetically suspended from the work piece. The devices for the most part include flexible boots that collapse as the drill is advanced into the hole (e.g., May). Most of the collapsible boots are attached to the drill itself. Brett discloses a non-collapsing collector that is manually held at the front of a work piece by a handle.

Since none of these references discloses or suggests the claimed invention, wherein an open side of a closed end collector is magnetically attached to the rear side of a drill panel, where it collects shavings that fall through the hole, it is urged that the

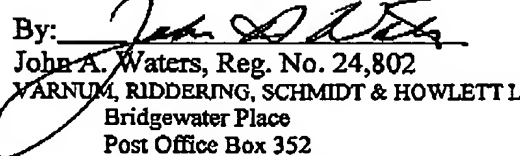
present invention is patentable over all of these references.

Accordingly, reconsideration and allowance of all of the claims of the present application are respectfully solicited.

Respectfully submitted,

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